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Chris Rose Irrigated Lands Regulatory Program Manager
John Robertson Executive Officer
Dr. Jean-Pierre Wolfe, Board Chair
REGIONAL WATER QUALITY CONTROL BOARD CENTRAL COAST REGION

Re: Agricultural Order4.0

I have several general comments on the proposed Ag order.

Costs: Although our irrigated grapes use no applied nitrogen, I currently contribute significant funds to support a regional monitoring consortium. So, I am already forced to contribute funds to cover the cost of something for which I have no direct connection. Ag Order 4.0 just makes this unfair situation worse.

Sedimentation: Zero sedimentation is an absurd requirement, because all land, even areas that are untouched by humans, gradually erodes, causing sedimentation. The first step in a reasonable approach to sediments would be to use the best available science to determine what would be expected in "a state of nature". What the Order should prohibit is contributory activities that accelerate sedimentation. Human activities that cause those conditions to worsen should be addressed appropriately.

The Order appears to require measuring sedimentation entering and leaving a property. I have several thousand acres and during wet periods I cannot access the remote parts of my property to measure anything. Furthermore, I cannot control the intermittent stream as it changes course in times of flood. All of this may involve sedimentation, but does not involve me or my agricultural practices. The Order needs to be amended to reflect reality and address the things that humans cause and can correct, not just everything that happens.

Nitrogen: If nitrogen balance is going to be determined by how much crop is harvested, what happens when a farmer can't sell his crop? Does that farmer have to go to the expense of harvesting anyway just so the nitrogen being removed can be reported? Many grape and carrot growers leave the crop if it can't be sold. The organic (and yes, nitrogen) contribution of those unharvested crops are eventually incorporated into the soil, contributing to the next year's crop yield. In those examples, the nitrogen is used but not measured, and didn't go to the groundwater, or surface water. How on earth can anyone calculate the nitrogen use under those circumstances?

On top of that, the risk of nitrogen going to groundwater is very soil dependent. Some soils will not leach much at all, but others are very porous. This is another reason why the Boards should work with agriculture to address problems, rather than simply issuing orders that are one size fits all.

Objectives: The Order should recognize that frequently there is no impact from a farming operation, so the Order needs to provide an easy way to identify those who don't cause problems and provide them with a way that they don't have to report.

Additionally, the Order is backward - punishing all rather than those who may be a problem. The State should identify problem areas and focus on those people and places. Success will come from solving those problems, not from punishing everyone.

With regard to remedies, if a problem exists in an area, are new farmers to the area going to be penalized for the actions of those who farmed previously?

Monitoring and Reporting: SGMA will require many wells to be monitored. Using that new law, the Boards should use the information collected to determine when a negative change is occurring. That will enable the Boards to focus on probable causes, trace detrimental practices and address specific problems in a focused, effective way. Ag Order 4.0 does not adequately integrate this new way of dealing with water quality problems and should be amended to do so.

Management practices: Sustainable operations, such as those under Lodi Rules and SIP for the grape industry, and certified organic operations, are examples of management practices that directly address the issues that are forefront in Ag Order 4.0. Voluntary, proactive programs have been proven to be more effective at achieving improvement than hostile and adversarial ones. So, those certification programs should be recognized and supported by providing landowners with the opportunity to participate and be certified in exchange for relief from all the cumbersome, expensive and often unnecessary reporting demanded by Ag Order 4.0.

Alternative Options: The State Boards should specifically identify where improvement is required in order to protect our state waters and then provide the agricultural community the opportunity to evaluate those problems and bring to the Boards solutions that will be effective and have the support and cooperation of farmers. Ruling through hostile measures isn't necessary and arguably way less effective than reason and cooperation. Every agriculturalist is dependent of safe water, so it isn't as though we need to be motivated. If we could spend our scarce fiscal resources on solutions rather than dealing with expensive regulations and sometimes impossible, and other times irrelevant, monitoring, we could certainly help achieve the water quality objectives being sought through Ag Order 4.0.

Sincerely,

Stephen Sinton